

BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO

GERALD L. FOSTER,

Claimant,

v.

WASHINGTON GROUP,

Employer,

and

ZURICH AMERICAN INSURANCE COMPANY,

Surety,

Defendants.

IC 04-009411

ORDER

FILED OCT 14 2005

Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusion of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusion of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant's carpal tunnel syndrome is noncompensable as an occupational disease under Idaho Workers' Compensation Law. It did not arise as a result of his employment by Employer.

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2. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to the issue adjudicated.

DATED this 14TH day of OCTOBER, 2005.

INDUSTRIAL COMMISSION

/S/_____
Thomas E. Limbaugh, Chairman

/S/_____
James F. Kile, Commissioner

/S/_____
R. D. Maynard, Commissioner

ATTEST:

/S/_____
Assistant Commission Secretary

CERTIFICATE OF SERVICE

I hereby certify that on 14TH day of OCTOBER, 2005, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

Gerald L. Foster
701 East Mountain Park Road
Chubbuck, ID 83202

Thomas P. Baskin
P.O. Box 6756
Boise, ID 83707

db

/S/_____